

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**In re: BRIDGESTONE/FIRESTONE, INC.,
TIRES PRODUCTS LIABILITY LITIGATION**

) **Master File No. IP 00-9373-C-B/S**
) **MDL NO. 1373**

**THIS DOCUMENT RELATES TO ALL
ACTIONS**

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ENTRY FOR FEBRUARY 14, 2002

The parties appeared, by counsel, this date for a telephonic status conference, during which the following was discussed:

1. The class plaintiffs have identified four discrete categories of information that they still need to obtain from Ford and one category of information they need to obtain from Firestone before their damages experts can prepare their reports. Ford and Firestone agree to provide the plaintiffs with this information no later than **Monday, February 25, 2002**.
2. In light of this February 25th production, the deadline for the class plaintiffs' damages expert reports is extended to **March 6, 2002**, and the remaining deadlines related to damages expert reports are similarly extended. No other deadlines are affected by this extension.
3. The parties agree that no class notice will be distributed until after the Seventh Circuit rules on the appeal of the class certification ruling. However, briefing on the defendants' objections to the plaintiffs' proposed notice shall proceed, and all other deadlines relating to the class action cases shall remain in place.
4. The plaintiffs raised the issue of whether additional time should be allocated for the depositions of Bridgestone's witnesses who are Japanese nationals, due to the time needed for translation during the depositions. If more time is needed for those witnesses who are scheduled to be deposed in the United States next week, the magistrate judge will entertain a motion to that effect; however, she will need to review the transcript from the completed portions of the deposition in question in order to determine whether translation issues

justify granting additional time.

5. It has come to the magistrate judge's attention that Firestone has requested in numerous individual cases that it be permitted to examine and conduct non-destructive testing of the subject tires at its facility in Akron, and that some plaintiffs' counsel have objected to this request. The magistrate judge already has ruled on several motions raising that issue and determined the following:
 - a. Firestone has the right to take possession of the subject tires in any case for a period of 45 days. During that time, it may conduct whatever non-destructive testing and examination of the tires that it wishes, as long as the tires are not altered in any way. Each tire shall be returned to the plaintiff within 45 days of its receipt by Firestone.
 - b. No destructive testing shall be conducted by or on behalf of any party absent a written agreement executed by all parties or an order of this court;
 - c. The parties are strongly urged to document carefully the condition of each subject tire before it leaves their control.
6. The defendants agree to withdraw the deposition notices in the Carrillo and Alvarez cases that were noticed after the February 1, 2002, discovery cut-off.
7. The defendants agree to withdraw their Citation of Supplemental Authority in Support of Motions to Dismiss on Forum Non Conveniens Grounds, which they filed on January 31, 2002, and file instead a notice of supplemental authority which consists only of citations to the authority, without legal argument. The plaintiffs, too, may file a notice of supplemental authority if they wish.
8. The plaintiffs object to certain supplemental appendices filed by the defendants in support of their forum non conveniens motions. The plaintiffs may file a motion to strike those appendices or, in the alternative, for leave to submit a response to the materials included in

the appendices, which shall be appended to the motion.

9. Pursuant to the court's prior order, the defendants did not serve them on each counsel, but rather sent a letter informing them that the quite voluminous appendices had been filed and could be obtained from Bill Winingham, liaison counsel for the plaintiffs. Any plaintiffs' counsel who wishes to obtain a copy shall notify Mr. Winingham, who will forward the request to Firestone's counsel, who has agreed to have the necessary copies made and shipped.
10. Ford has appealed the magistrate judge's ruling regarding the plaintiffs' request to depose four of its attorneys. Plaintiffs now have requested to depose certain of Firestone's attorneys and one additional Ford attorney. To facilitate Judge Barker's consideration and resolution of these issues in a comprehensive manner, Firestone and Ford shall file motions for protective order regarding these additional deposition requests by **February 21, 2002**; the plaintiffs shall respond by **February 28, 2002**; and the defendants shall reply by **March 7, 2002**. These issues shall include all of the defendants' objections to the requested depositions, whether legal or factual. To the extent that any of the proposed deponents are represented by their own attorneys, counsel for Ford and Firestone shall inform those attorneys of the briefing schedule set forth above.
11. The parties will prepare an agreed order regarding the release of medical information from the Venezuelan and Columbian plaintiffs' medical providers to the defendants and submit it to the court. The parties will discuss whether additional releases, e.g. for employment records, are appropriate.
12. The next telephonic status conference will be held on **Thursday, February 28, 2002, at 1:30 p.m.** The call will be arranged by Irwin Levin, liaison counsel for the plaintiffs.

ENTERED this _____ day of February 2002.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

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